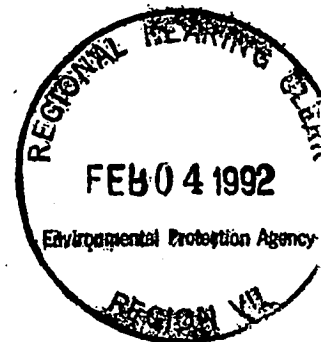


UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION VII
726 MINNESOTA AVENUE
KANSAS CITY, KANSAS 66101



IN THE MATTER OF:)

Knapheide Manufacturing Co.)
West Quincy, Missouri;)

Respondent.)

Proceedings under Section)
3008 of the Resource)
Conservation and Recovery Act)
of 1976, as amended, 42 U.S.C.)
Sections 6901 et.seq.)

Docket No. VII-92-H-0008

Complaint, Compliance Order,
and Notice of Opportunity
to Request Hearing

A. PRELIMINARY STATEMENT

1. This Complaint, Compliance Order, and Notice of Opportunity to Request Hearing ("Complaint") is issued pursuant to Section 3008(a) and (g) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 ("RCRA") and the Hazardous and Solid Waste Amendments of 1984 ("HSWA"), 42 U.S.C. Section 6928(a) and (g) and in accordance with the United States Environmental Protection Agency's Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 C.F.R. Part 22. The Complainant is the Regional Administrator of the United States Environmental Protection Agency ("EPA"), Region VII. The Respondent is Knapheide Manufacturing Company, an Illinois corporation authorized to do business in Missouri. Respondent's registered agent for service



R00080377
RCRA Records Center

of process is Marion Wasinger, B & L Building, Hannibal, Missouri 63401.

2. Pursuant to 3006(b) of RCRA, 42 U.S.C. § 6926(b), the State of Missouri has been granted final authorization to administer and enforce a hazardous waste program. When EPA determines that any person has violated or is in violation of any requirement of Subtitle C of RCRA, EPA may issue an order assessing a civil penalty for any past or current violation requiring compliance immediately or within a specified time period, or both pursuant to Section 3008(a)(1) of RCRA, 42 U.S.C. § 6928(a)(1). In the case of a violation of any requirement of Subtitle C of RCRA where such violation occurs in a State which is authorized to carry out a hazardous waste program pursuant to Section 3006 of RCRA, EPA shall give notice to the State in which such violation has occurred. The State of Missouri was notified of this Complaint in accordance with Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).

3. Section 260.365 of the Revised Statutes of the State of Missouri provide authority for Title 10 of the Code of State Regulations ("C.S.R."), Division 25, which incorporates by reference at 10 C.S.R. §§ 25-7.262(1) and 10 C.S.R. §§ 25-7.265(1), respectively, the federal regulations set forth in 40 C.F.R. Part 262 and 40 C.F.R. Part 265.

4. Complainant has determined that Respondent is in violation of Section 3005(a) and (e) of Subtitle C of RCRA, 42 U.S.C. § 6925(a) and (e), and provisions of the regulations

promulgated thereunder and codified at 40 C.F.R. Part 262 and 40 C.F.R. Part 265, as incorporated by reference at 10 C.S.R. 25-7.262(1) and 10 C.S.R. 25-7.265(1); and that Respondent is in violation of provisions of 40 C.F.R. Part 268.

5. Based upon the allegations contained in this Complaint and upon those factors which the Complainant must consider pursuant to Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3) (as discussed in the 1990 RCRA Civil Penalty Policy), including the seriousness of the violations, any good faith efforts by the Respondent to comply with applicable requirements, and any economic benefit accruing to the Respondent, as well as such other matters as justice may require, the Complainant proposes that the Respondent be assessed the following civil penalty for the violations alleged in this Complaint:

Count I.....\$	7,850.00
Count II.....\$	1,218,666.00
Count III.....\$	242,200.00
Count IV.....\$	500.00
Count V.....\$	1,000.00
Count VI.....\$	4,000.00
Count VII.....\$	4,000.00
Count VIII.....\$	<u>8,000.00</u>
TOTAL PENALTY....\$	1,486,216.00

B. COMPLAINT

ALLEGATIONS COMMON TO ALL COUNTS

6. Respondent is a corporation organized under the laws of the State of Illinois and is a person as defined in Section 1004(15) of RCRA, 42 U.S.C. Section 6903(15), and 40 C.F.R. Section 260.10.

7. Respondent owns and operates a facility at Highway 24, West Quincy, Missouri ("Facility"). Respondent manufactures truck beds, utility bodies and tool boxes. The manufactured units are primed and painted and metal components are cleaned with an alkaline cleaner. Respondent generates solid waste as a result of its activities at the Facility.

8. Respondent notified EPA on August 18, 1980 that it is a generator of listed hazardous wastes F017 and P090.

9. Respondent was issued EPA ID Number MOD000766998 on January 12, 1981.

10. On September 25, 1989 and March 15, 1991, the Missouri Department of Natural Resources (MDNR) conducted inspections of the Facility. On the basis of information obtained during these inspections, Respondent was issued Notices of Violations by MDNR for violations noted during the inspections. On August 30, 1991, MDNR referred the enforcement of the violations to EPA, Region VII.

COUNT I

FAILURE TO CONDUCT HAZARDOUS WASTE DETERMINATION

11. The allegations contained in paragraphs 6 through 10 of the Complaint are hereby incorporated by reference.

12. Regulations set forth in 40 C.F.R. Part 262, as incorporated by reference at 10 C.S.R. § 25-7.262(1), provide at 40 C.F.R. § 262.11 that a person who generates a solid waste must determine if that waste is a hazardous waste using the methods described in 40 C.F.R. § 262.11(a), (b) and (c).

13. At the time of the September 25, 1989 inspection, Respondent was generating waste paint filters and overspray paper, incinerator ash, and paint wastes from numerous process lines including the vinyl wash line. Respondent had not made a hazardous waste determination for these wastes being generated at the Facility until March 12, 1991, as shown by the March 15, 1991 inspection. Therefore, Respondent is in violation of 40 C.F.R. § 262.11(a), (b) and (c), as incorporated by reference at 10 C.S.R. § 25-7.262(1).

14. Pursuant to Section 3008(g) of RCRA and based on the allegations contained above, it is proposed that a civil penalty of \$ 7,850.00, (\$0.00 for multi-day violations, \$1,350.00 for the economic benefit derived and \$6,500.00 for the gravity of the violation) be assessed against Respondent for its failure to comply with 40 C.F.R. § 262.11(a), (b) and (c), as incorporated by reference at 10 C.S.R. § 25-7.262(1).

COUNT II

STORAGE AND TREATMENT OF D007 HAZARDOUS WASTE

WITHOUT INTERIM STATUS OR A PERMIT,

FAILURE TO DEVELOP CLOSURE PLAN, AND

FAILURE TO PROVIDE FINANCIAL ASSURANCE

AND LIABILITY COVERAGE FOR CLOSURE

15. The allegations contained in paragraphs 6 through 14 of the Complaint are hereby incorporated by reference.

16. At the time of the September 25, 1989 inspection, said inspection showed Respondent was treating waste paint filters and overspray paper by burning said waste in a Brule incinerator which was in an unusable condition at the time.

17. At the time of the March 15, 1991, inspection, said inspection showed that Respondent immediately after the September 25, 1989 inspection had ceased burning waste paint filters and overspray paper, which Respondent had identified as D001 ignitable waste, in the Brule incinerator and had begun accumulating and storing those wastes at the Facility in 55-gallon drums and by March 15, 1991 had accumulated approximately six hundred (600) 55-gallon drums of the waste paint filters and overspray paper.

18. A Toxic Characteristic Leachate Procedure (TCLP) analysis of the waste paint filters and overspray paper dated March 12, 1991, which was provided by Respondent to MDNR after the March 15, 1991 inspection, showed leachable chrome at 6.25 ppm, which exceeds the toxic characteristic level of 5.00 ppm for

leachable chrome, resulting in said waste being classified as D007 waste by characteristic, pursuant to 40 C.F.R. § 262.24.

19. Respondent from November 19, 1980 to September 25, 1989 treated D007 hazardous waste at the Facility by burning said waste in a Brule incinerator. After the September 25, 1989 inspection, MDNR directed Respondent to cease all burning in the incinerator due to its condition and capabilities, and to make other arrangements for proper disposal of the hazardous wastes.

20. Respondent, from approximately September 25, 1989 to March 15, 1991, a period in excess of 90 days, stored D007 hazardous waste at the Facility.

21. Section 3005(a) of RCRA, 42 U.S.C. § 6925(a), states, in part, that after November 19, 1980, the treatment, storage, or disposal of any hazardous waste is prohibited except in accordance with a permit issued pursuant to Section 3005 of RCRA, 42 U.S.C. § 6925.

22. Pursuant to Section 3005(e) of RCRA, 42 U.S.C. § 6925(e), any person who owns or operates a facility required to have a permit shall be considered to have attained "interim status" and shall be treated as having been issued a permit if such facility: (1) was in existence on November 19, 1980 or is in existence on the effective date of a statutory or regulatory change that renders the facility subject to permit requirements; (2) the facility has complied with the requirements of Section 3010(a) of RCRA, 42 U.S.C. § 6930(a); and (3) the facility has

filed an application for a permit in accordance with Section 3005 of RCRA, 42 U.S.C. § 6925.

23. Regulations set forth in 40 C.F.R. Part 262, as incorporated by reference at 10 C.S.R. § 25-7.262(1), provide at 40 C.F.R. § 262.34(b) that a generator who accumulates hazardous waste for more than 90 days is an operator of a storage facility and is subject to the requirements of 40 C.F.R. Parts 264 and 265 and the permit requirements of 40 C.F.R. Part 270, unless he has been granted an extension to the 90-day period.

24. Respondent did not have interim status or a permit for the treatment unit or storage unit for D007 hazardous wastes. Therefore, Respondent is in violation of Sections 3005(a) and (e) of RCRA, 42 U.S.C. §§ 6925(a) and (e).

25. Regulations set forth in 40 C.F.R. Part 265, as incorporated by reference at 10 C.S.R. § 25-7.265(1), provide at 40 C.F.R. § 265.112 that by May 15, 1981, or by six months after the effective date of a rule that subjects a facility to the provisions of the rule, an owner or operator must have a written closure plan for hazardous waste management units at the facility.

26. Respondent did not have a closure plan for the D007 hazardous waste treatment unit or the D007 hazardous waste storage unit. Therefore, Respondent is in violation of 40 C.F.R. § 265.112, as incorporated by reference at 10 C.S.R. § 25-7.265(1).

27. Regulations set forth in 40 C.F.R. Part 265, as incorporated by reference at 10 C.S.R. § 25-7.265(1), provide at 40 C.F.R. § 265.143 that an owner or operator of a hazardous waste facility must establish financial assurance for the closure of such facility.

28. Respondent did not have financial assurance for closure of the D007 hazardous waste treatment unit or the D007 hazardous waste storage unit. Therefore, Respondent is in violation of 40 C.F.R. § 265.143, as incorporated by reference at 10 C.S.R. § 25-7.265(1).

29. Regulations set forth in 40 C.F.R. Part 265, as incorporated by reference at 10 C.S.R. § 25-7.265(1), provide at 40 C.F.R. § 265.147(a) that an owner or operator of a hazardous waste facility must provide liability coverage for bodily injury and property damage for sudden accidental occurrences arising from operation of the facility.

30. Respondent did not provide liability coverage for bodily injury and property damage for sudden accidental occurrences arising from operation of the Facility. Therefore, Respondent is in violation of 40 C.F.R. § 265.147(a), as incorporated by reference at 10 C.S.R. § 25-7.265(1).

31. Pursuant to Section 3008(g) of RCRA and based on the allegations contained above, it is proposed that a civil penalty of \$1,218,666.00 (\$537,000.00 for multi-day violations, \$659,166.00 for the economic benefit derived and \$22,500.00 for the gravity of the violation) be assessed against Respondent for

its failure to comply with Sections 3005(a) and (e) of RCRA, 42 U.S.C. §§ 6925(a) and (e); 40 C.F.R. § 265.112, as incorporated by reference at 10 C.S.R. § 25-7.265(1); 40 C.F.R. § 265.143, as incorporated by reference at 10 C.S.R. § 25-7.265(1); and 40 C.F.R. § 265.147(a), as incorporated by reference at 10 C.S.R. § 25-7.265(1).

COUNT III

FAILURE TO LABEL CONTAINERS AS "HAZARDOUS WASTE"

32. The allegations contained in paragraphs 6 through 31 of the Complaint are hereby incorporated by reference.

33. Regulations set forth in 40 C.F.R. Part 262, as incorporated by reference at 10 C.S.R. § 25-7.262(1), provide at 40 C.F.R. § 262.34(a)(3) that a generator while accumulating hazardous waste on site must mark clearly each container of such waste with the words "Hazardous Waste."

34. At the time of the March 15, 1991, inspection, said inspection showed that Respondent did not label as "Hazardous Waste" the 600 55-gallon drums of D007 hazardous waste which were on-site. Therefore, Respondent is in violation of 40 C.F.R. § 262.34(a)(3), as incorporated by reference at 10 C.S.R. § 25-7.262(1).

35. Pursuant to Section 3008(g) of RCRA and based on the allegations contained above, it is proposed that a civil penalty of \$242,200.00 (\$232,700.00 for multi-day violations, \$0.00 for the economic benefit derived and \$9,500.00 for the gravity of the violation) be assessed against Respondent for failure to comply

with 40 C.F.R. § 262.34(a)(3). as incorporated by reference at 10 C.S.R. § 25-7.262(1).

COUNT IV

FAILURE TO RETAIN COPIES OF LAND DISPOSAL NOTIFICATIONS

35. The allegations contained in paragraphs 6 through 35 of the Complaint are hereby incorporated by reference.

37. The regulation at 40 C.F.R. § 268.7(a)(5) states, in part, that copies of land disposal notifications for off-site shipments must be retained on-site in the generator's files.

38. At the time of the March 15, 1991 inspection, said inspection showed the Respondent did not retain in its files on-site copies of two land disposal notifications for off-site shipments. Therefore, Respondent is in violation of 40 C.F.R. § 268.7(a)(5).

39. Pursuant to Section 3008(g) of RCRA and based on the allegations contained above, it is proposed that a civil penalty of \$500.00 (\$0.00 for multi-day violations, \$0.00 for the economic benefit derived and \$500.00 for the gravity of the violation) be assessed against Respondent for its failure to comply with 40 C.F.R. § 268.7(a)(5).

COUNT V

FAILURE TO MAINTAIN ADEQUATE AISLE SPACE

40. The allegations contained in paragraphs 6 through 39 of the Complaint are hereby incorporated by reference.

41. Regulations set forth in 40 C.F.R. Parts 262 and 265, as incorporated by reference at 10 C.S.R. § 25-7.262(1) and 10 C.S.R. § 25-7.265(1), provide at 40 C.F.R. § 262.34(a)(4), with reference to 40 C.F.R. § 265.35.5, that the owner or operator of a hazardous waste facility must maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment and decontamination equipment to any area of facility operation in an emergency.

42. At the time of the March 15, 1991, inspection, said inspection showed Respondent did not provide adequate aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment and decontamination equipment to the hazardous waste container storage area of the Facility. Therefore, Respondent is in violation of 40 C.F.R. § 262.34(a)(4), with reference to 40 C.F.R. § 265.35.5, as incorporated by reference at 10 C.S.R. § 25-7.262(1) and 10 C.S.R. § 25-7.265(1).

43. Pursuant to Section 3008(g) of RCRA and based on the allegations contained above, it is proposed that a civil penalty of \$1,000.00 (\$0.00 for multi-day violations, \$0.00 for the economic benefit derived and \$1,000.00 for the gravity of the

violation) be assessed against Respondent for failure to comply with 40 C.F.R. § 262.34(a)(4), with reference to 40 C.F.R. § 265.35.5, as incorporated by reference at 10 C.S.R. § 25-7.262(1) and 10 C.S.R. § 25-7.265(1).

COUNT VI

FAILURE TO MAINTAIN UPDATED CONTINGENCY PLAN

44. The allegations contained in paragraphs 6 through 43 of the Complaint are hereby incorporated by reference.

45. Regulations set forth in 40 C.F.R. Parts 262 and 265, as incorporated by reference at 10 C.S.R. § 25-7.262(1) and 10 C.S.R. § 25-7.265(1), provide at 40 C.F.R. § 262.34(a)(4), with reference to 40 C.F.R. § 265.54, that the contingency plan which the owner or operator of a hazardous waste facility maintains must immediately be amended whenever the list of emergency coordinators changes.

46. At the time of the March 15, 1991 inspection, said inspection showed Respondent did not immediately amend its contingency plan when the emergency coordinator changed. Therefore, Respondent is in violation of 40 C.F.R. § 262.34(a)(4), with reference to 40 C.F.R. § 265.54, as incorporated by reference at 10 C.S.R. § 25-7.262(1) and 10 C.S.R. § 25-7.265(1).

47. Pursuant to Section 3008(g) of RCRA and based on the allegations contained above, it is proposed that a civil penalty of \$4,000.00 (\$0.00 for multi-day violations, \$0.00 for the economic benefit derived and \$4,000.00 for the gravity of the

violation) be assessed against Respondent for its failure to comply with 40 C.F.R. § 262.34(a)(4), with reference to 40 C.F.R. § 265.54, as incorporated by reference at 10 C.S.R. § 25-7.262(1) and 10 C.S.R. § 25-7.265(1).

COUNT VII

FAILURE TO MAINTAIN TRAINING DOCUMENTATION

48. The allegations contained in paragraphs 6 through 47 of the Complaint are hereby incorporated by reference.

49. Regulations set forth in 40 C.F.R. Parts 262 and 265, as incorporated by reference at 10 C.S.R. § 25-7.262(1) and 10 C.S.R. § 25-7.265(1), provide at 40 C.F.R. § 262.34(a)(2), with reference to 40 C.F.R. § 265.16(d)(4), provide that the owner or operator of a hazardous waste facility must maintain at the facility records that document the training or job experience required of facility personnel pursuant to 40 C.F.R. § 265.16.

50. At the time of the March 15, 1991, inspection, said inspection showed Respondent did not maintain documentation at the facility of the qualifications of the persons conducting the training of facility personnel. Therefore, Respondent is in violation of 40 C.F.R. § 262.34(a)(2), with reference to 40 C.F.R. § 265.16(d)(4), as incorporated by reference at 10 C.S.R. § 25-7.262(1) and 10 C.S.R. § 25-7.265(1).

51. Pursuant to Section 3008(g) of RCRA and based on the allegations contained above, it is proposed that a civil penalty of \$4,000.00 (\$0.00 for multi-day violations, \$0.00 for the economic benefit derived and \$4,000.00 for the gravity of the

violation) be assessed against Respondent for its failure to comply with 40 C.F.R. § 262.34(a)(2), with reference to 40 C.F.R. § 265.16(d)(4), as incorporated by reference at 10 C.S.R. § 25-7.262(1) and 10 C.S.R. § 25-7.265(1).

COUNT VIII

FAILURE TO PROPERLY MANIFEST HAZARDOUS WASTE SHIPMENTS

52. The allegations contained in paragraphs 6 through 51 of the Complaint are hereby incorporated by reference.

53. Regulations set forth in 40 C.F.R. Part 262, as incorporated by reference at 10 C.S.R. § 25-7.262(1), provide at 40 C.F.R. § 262.20(c) and (d) that manifests for off-site shipment of hazardous wastes must designate an alternate facility to receive the waste and instructions that if the transporter is unable to deliver to the designated or alternate facility that the generator must designate another facility or the waste must be returned to the generator.

54. At the time of the March 15, 1991, inspection, said inspection showed that Respondent, for hazardous waste Manifest Nos. 91020 and 91021, did not include the alternate designated facility or instructions to the transporter to return the waste to the generator if the waste is undeliverable. Therefore, Respondent is in violation of 40 C.F.R. § 262.20(c) and (d), as incorporated by reference at 10 C.S.R. § 25-7.262(1).

55. Pursuant to Section 3008(g) of RCRA and based on the allegations contained above, it is proposed that a civil penalty of \$8,000.00 (\$0.00 for multi-day violations, \$0.00 for the

economic benefit derived and \$8,000.00 for the gravity of the violation) be assessed against Respondent for its failure to comply with 40 C.F.R. § 262.20(c) and (d), as incorporated by reference at 10 C.S.R. § 25-7.262(1).

C. COMPLIANCE ORDER

56. IT IS HEREBY ORDERED that within thirty (30) days of receipt of this Compliance Order, Respondent shall pay a civil penalty of \$ 1,486,216.00. Payment shall be made by certified or cashier's check payable to "Treasurer of the United States" and remitted to the Regional Hearing Clerk, United States Environmental Protection Agency, Region VII, P.O. Box 360748M, Pittsburgh, Pennsylvania 15251. A copy of the check shall be mailed simultaneously to Mr. Ruben McCullers, WSTM/RCRA, EPA Region VII, 726 Minnesota Avenue, Kansas City, Kansas 66101.

57. IT IS FURTHER ORDERED that Respondent shall take the following actions within the time periods specified:

a. Within twenty (20) days of receipt of this Compliance Order, Respondent shall submit to EPA and MDNR the results of all hazardous waste determinations conducted on all waste streams at the Facility, including the waste paint filters and overspray paper, incinerator ash, and paint wastes from numerous process lines including the vinyl wash line, as previously described in this Complaint. Along with the submittal of such results, Respondent shall submit copies of all documents and a written detailed description of all process knowledge used to support the hazardous waste determination results.

b. Within sixty (60) days of receipt of this Compliance Order, Respondent shall submit to EPA and MDNR, for review and approval by EPA and MDNR, a closure plan for the waste paint filters and overspray filters storage unit and the Brule incinerator unit ("hazardous waste units"). Such closure plan shall meet the requirements found at 40 C.F.R. Part 265, Subparts G and O. If EPA and MDNR find that the closure plan is deficient or must be modified, Respondent shall correct such deficiencies in the closure plan or modify the closure plan and shall resubmit the closure plan to EPA and MDNR, all in accordance with 40 C.F.R. Part 265, Subparts G and O.

c. Upon EPA and MDNR approval, Respondent shall proceed to fully implement the approved closure plan for the hazardous waste units in accordance with the schedule contained therein. The approved closure plan, inclusive of any modifications, shall be incorporated into and become a part of this Compliance Order.

d. At least thirty (30) days prior to conducting any sampling activities pursuant to the approved closure plan, Respondent shall provide EPA and MDNR with written notice of the dates on which such sampling activities are to occur.

e. Within forty-five (45) days of receipt of this Compliance Order, Respondent shall establish and thereafter maintain financial assurance for closure of the hazardous waste units in accordance with 40 C.F.R. § 265.143.

f. Within five (5) days of establishment of financial assurance for closure of the hazardous waste units, Respondent

shall submit evidence to EPA and MDNR that financial assurance for closure of the hazardous waste units, as required by 40 C.F.R. § 265.143, has been established.

g. Within forty-five (45) days of receipt of this Complaint, Respondent shall establish and maintain liability coverage for sudden accidental occurrences as required by 40 C.F.R. § 264.147(a).

h. Within five (5) days of establishment of coverage for sudden accidental occurrences, as required by 40 C.F.R. § 264.147(a), Respondent shall submit evidence to EPA and MDNR that such coverage has been obtained.

i. Within sixty (60) days of completion of closure of the hazardous waste units, Respondent shall submit a certification of closure to EPA and MDNR, as required by 40 C.F.R. § 265.115.

j. Within sixty (60) days of receipt of this Compliance Order, Respondent shall submit to EPA and MDNR: (1) copies of all manifests and land disposal restriction notices used in removing all hazardous waste from the Facility in accordance with subparagraph b above; and (2) copies of all previous land disposal restriction notices from transporters or disposal facilities for hazardous waste manifested from the Facility.

k. Within twenty (20) days of receipt of this Compliance Order Respondent shall document to EPA and MDNR by photographs the correction of the inadequate aisle space as previously described in the Complaint.

1. Within thirty (30) days of receipt of this Compliance Order Respondent shall provide to EPA and MDNR an updated contingency plan that complies with 40 C.F.R. § 262.34(a)(4), with reference to 40 C.F.R. § 265.54, as incorporated by reference at 10 C.S.R. § 25-7.262(1) and 10 C.S.R. § 25-7.265(1).

m. Within thirty (30) days of receipt of this Compliance Order Respondent shall provide to EPA and MDNR training documentation as required by 40 C.F.R. § 262.34(a)(2), with reference to 40 C.F.R. § 265.16(d)(4), as incorporated by reference at 10 C.S.R. § 25-7.262(1) and 10 C.S.R. § 25-7.265(1).

n. Within thirty (30) days of receipt of this Compliance Order Respondent shall provide to EPA and MDNR a plan for correction of hazardous waste manifesting violations previously identified in this Compliance Order, including how Respondent plans to comply with State of Missouri hazardous waste manifesting requirements. Respondent shall also provide to EPA and MDNR copies of the hazardous waste manifests for the next two hazardous waste shipments from the Facility.

58. All documents required to be submitted to EPA pursuant to this Complaint and Compliance Order shall be sent to Mr. Ruben McCullers, WSTM/RCRA, EPA Region VII, 726 Minnesota Avenue, Kansas City, Kansas 66101, unless otherwise specified herein.

59. All documents required to be submitted to MDNR pursuant to this Complaint and Compliance Order shall be sent to Mr. Bruce Martin, Chief of Hazardous Waste Unit, Enforcement Section,

Missouri Department of Natural Resources, P.O. Box 176, Jefferson City, Missouri 65102, unless otherwise specified herein.

D. NOTICE OF OPPORTUNITY TO REQUEST HEARING

60. In accordance with Section 3008(b) of RCRA, 42 U.S.C. Section 6928(b), this Complaint and Compliance Order shall become final unless Respondent files an answer and requests a public hearing in writing no later than thirty (30) days after service of this Complaint and Compliance Order.

61. A written answer to this Complaint must satisfy the requirements of 40 C.F.R. § 22.15 (1980) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, a copy of which is attached hereto. The answer and request for hearing must be filed with the Regional Hearing Clerk, EPA Region VII, 726 Minnesota Avenue, Kansas City, Kansas 66101. A copy of the answer and request for hearing and copies of any subsequent documents filed in this action should be sent to Robert W. Richards, Office of Regional Counsel, at the same address.

62. Respondent's failure to file a written answer and request a hearing within thirty (30) days of service of this Complaint may result in the entry of a default order against Respondent. Default by Respondent constitutes a binding admission of all allegations contained in the Complaint and a waiver of Respondent's right to a hearing. Upon entry of a default order against Respondent, the civil penalties proposed herein shall become due and payable without further proceedings.

E. SETTLEMENT CONFERENCE

63. Whether or not Respondent requests a hearing, Respondent may request a settlement conference in order to discuss the facts of this case in an attempt to arrive at settlement. To request such a settlement conference, please write to Robert W. Richards, Office of Regional Counsel, EPA Region VII, 726 Minnesota Avenue, Kansas City, Kansas 66101, or call Mr. Richards at (913) 551-7502.

64. Please note that a request for settlement conference or participating in a settlement conference does not extend the thirty (30) day period during which a written answer and request for a hearing must be submitted to the Regional Hearing Clerk. The settlement conference procedure may be pursued simultaneously with the adjudicatory hearing procedure.

65. EPA encourages all parties to pursue the possibility of settlement through such a conference. Any settlement which may be reached as a result of such a conference shall be embodied into a written Consent Agreement and Order entered into between the parties, and issued by the Director of the Waste Management Division for U.S. EPA Region VII.

1/31/92
Date

R.W. Richards
Robert W. Richards
Assistant Regional Counsel
U.S. Environmental Protection Agency
Region VII
726 Minnesota Avenue
Kansas City, Kansas 66101

2-3-92
Date

M. Kay
✓ Morris Kay
Regional Administrator
U.S. Environmental Protection Agency
Region VII
726 Minnesota Avenue
Kansas City, Kansas 66101

Attachment

CERTIFICATE OF SERVICE

I hereby certify that the original and one true and correct copy of the foregoing Complaint, Compliance Order, and Notice of Opportunity to Request Hearing were hand delivered to the Regional Hearing Clerk, EPA Region VII, 726 Minnesota Avenue, Kansas City, Kansas 66101; and further that a true and correct copy of the foregoing Complaint, Compliance Order, and Notice of Opportunity to Request Hearing together with a copy of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits were sent by certified mail, return receipt requested, to Marion Wasinger, Registered Agent for service of process, B & L Building, Hannibal, Missouri 63401; on this 4th day of February, 1992.

Carol Miller

● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" ^{Box 15} on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to:

Tracy Mehan, Director
Missouri Department of Natural
Resources
P.O. Box 176
Jefferson City, Missouri 65102

4. Article Number

P 679 715 046

Type of Service:

☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt
for Merchandise

Always obtain signature of addressee
or agent and DATE DELIVERED.

8. Addressee's Address (ONLY if
requested and fee paid)

5. Signature of Addressee

X

6. Signature of Agent

X

7. Date of Delivery

APR 03 1989

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS



SENDER INSTRUCTIONS

Print your name, address and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.



PENALTY FOR PRIVATE
USE, \$300

RETURN

TO



Print Sender's name, address, and ZIP Code in the space below.

Environmental Protection Agency

WSTM/RCRA/CMP

726 Minnesota Avenue

Kansas City, Kansas 66101

MCCULLERS